

U.S. Appl. No. 10/650,287  
Amendment Dated February 14, 2005  
Reply to Office Action of December 15, 2004  
Docket No. 7463-14

Motorola Ref. No. CE11169JGN\_Miranda-Knapp

### REMARKS/ARGUMENTS

The foregoing proposed amendment presents amended claims 1 and 21. Claims 1-27 remain.

In paragraph 1 of the Office Action, the drawings were objected to under 37 C.F.R. § 1.83(a) because the drawings must show every feature of the invention as specified in the claims. Specifically, the Examiner asserted that "the acceleration sensor coupled to the transceiver must be shown." The Examiner is directed to FIG. 1 wherein an Acceleration Sensor 20 is shown coupled to a transmitter/encoder 14 and receiver/decoder 12. The combination of items 12 and 14 most certainly comprises a transceiver. Thus, the drawing shows every feature of the invention specified in the claims and the Applicant respectfully believes the objection to the drawings is overcome.

As a result of this amendment, claims 1-27 remain in the application. Allowance of claims 1-27 as amended is respectfully requested.

Claim 21 was rejected under 35 U.S.C. section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The term "phone" has been replaced by "portable communication device" to overcome this rejection based on a lack of antecedent basis.

Claims 1 and 3 were rejected under 35 U.S.C. section 102(b) as being anticipated by French, U.S. Patent No. 5,760,690 by French. Although French discusses a laptop having a motion detection sensor 24a-b having a disable circuit 28 and alarm system 20, there is no suggestion or teaching that an acceleration profile is being monitored for matching with a predetermined acceleration profile. French is similar to the art discussed in the Applicant's background in paragraph 4 where the specification states that "Other references discuss tilt switches and man-down devices that are designed to provide an alert or a signal if a radio remains in a predetermined position such as a horizontal orientation. Again, such devices do not effectively provide loss or theft prevention and further fail to provide location information either automatically or upon an active query. " A mercury switch or a tilt switch alone does not provide an acceleration profile as claimed in the present invention. Nor is

U.S. Appln. No. 10/650,287  
Amendment Dated February 14, 2005  
Reply to Office Action of December 15, 2004  
Docket No. 7463-14

Motorola Ref. No. CE11169JGN\_Miranda-Knapp

there any discussion of comparing any measured acceleration profile with a predetermined acceleration profile as claim. The addition of the term "acceleration" was provided for clarity purposes and not to overcome the art cited since it is inherent that the acceleration profile can only be matched to a predetermined acceleration profile. Since it appears that French fails to anticipate claims 1 and 3, Applicant respectfully believes claims 1 and 3 overcome the rejection based on 35 U.S.C. section 102(b).

Claim 4 was rejected under 35 U.S.C. section 103(a) as being as being unpatentable over French in view of Lehmann et al, U.S. Patent No. 5,861,808. Once again as discussed above, French fails to suggest, mention or contemplate the determination or measuring of acceleration profiles nor the comparison with predetermined acceleration profiles. Although Lehmann might show a motion sensitive reminder device that attaches to an item and that further emits an audio signal when an item is moved from a stationary condition, this fails to suggest, mention or contemplate acceleration profiles or the monitoring of same. Thus, Lehmann and/or French either individually or in combination fail to teach or suggest acceleration profiles or the monitoring of predetermined acceleration profiles. Furthermore, note that Lehmann is the type of device discussed in the applicant's background in paragraph 3 that is a separate gadget that would inconvenience a user of a personal communication device.

Claim 19 was rejected under 35 U.S.C. section 103(a) as being unpatentable over French in view of D'Angelo et al, U.S. Patent No. 6,265,974. Although D'Angelo discusses the use of an accelerometer, once again, there still fails to be a teaching, suggestion or contemplation among D'Angelo and/or French of using and comparing acceleration profiles monitored with at least one pre-stored acceleration profile.

Claims 2, 5-7, 18, 22-25, 27 were rejected under 35 U.S.C. section 103(a) as being unpatentable over French in view of Gehlot, U.S. Patent No. 6,362,736. Although Gehlor discusses a personal object including a GPS receiver, a physical sensor 22, a wireless interface 16, and a network interface 24 and even discusses the use of email to send GPS information, Gehlot, French as well as any of the other references cited by the examiner continues to fail (either individually or in combination) to suggest, mention, or

U.S. Appln. No. 10/650,287  
Amendment Dated February 14, 2005  
Reply to Office Action of December 15, 2004  
Docket No. 7463-14

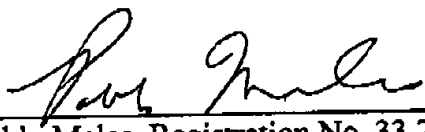
Motorola Ref. No. CE11169JGN\_Miranda-Knapp

contemplate acceleration profiles or the monitoring of predetermined acceleration profiles. Thus, Applicant respectfully believes claims 1-27 as amended are novel and non-obvious in view of the cited references.

Consequently, an indication of allowability is respectfully requested. Should any minor points remain prior to the issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

Date: Feb. 14, 2005

  
Pablo Meles, Registration No. 33,739  
AKERMAN SENTERFITT  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (954) 463-2700